THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.11005 OF 2000

Between:

Yalla Hem Nagesh Kumar

……..Petitioner

Vs.

1.The District Collector, Krishna District, Machilipatnam and two others.

…….Respondents.

THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.11005 **OF 2000**

O R D E R:

This writ petition is filed seeking a declaration that the impugned endorsement, dated 06.06.2000, under which, the petitioner's request for survey of Ac 9.57 cents situated in Chinagollapalem Village, Kruthivennu Mandal and to fix boundaries was rejected on the ground that the said land was surrendered to the Government under the provisions of the Land Reforms (Ceiling on Agricultural Holdings) Act as arbitrary and illegal.

It is contended by the petitioner that the land in question i.e., Ac 9.57 cents situated in S.Nos.12 and 13 is the own land of the petitioner and that the same was never surrendered under the provisions of the Ceiling Act.

In response to Rule Nisi ordered, a counter affidavit has been filed by the Mandal Revenue Officer, Kruthivennu Mandal, stating that the land

belonging to the writ petitioner's family in Rs.Nos.12 and 13 has nothing to do with the Ceiling Act and the land is free from the Ceiling Act. It is also stated that the father of the writ petitioner had surrendered the land situated in Garisepudi & Chinagollapalem Villages towards his share of excess land.

In view of what has been stated in the counter affidavit, the ground on which the petitioner's request for fixing the boundaries is rejected, is factually incorrect.

In the circumstances, the impugned order, dated 06.06.2000 is hereby set aside and the writ petition is disposed of with a direction to the respondents to re-consider the request of the petitioner for fixing the boundaries and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order. No costs.

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G.ROHINI J.,

Dt.29.08.2007
tjs